

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PATRICIA MCINTYRE, *on behalf of
herself and all others similarly situated,***

Plaintiff,

v.

REALPAGE, INC., d/b/a On-Site,

Defendant.

No. 2:18-CV-03934-CFK

**STIPULATION STAYING CASE
AND PROPOSED ORDER**

Plaintiff and Defendant, by and through their undersigned counsel (collectively, the “Parties”), hereby stipulate and agree that, subject to this Court’s approval, this case should be stayed pending the ruling of the United States Supreme Court in the matter of *Trans Union LLC v. Sergio L. Ramirez*, 951 F.3d 1008 (9th Cir. 2020), *cert. granted in part*, No. 20-297, 2020 WL 7366280 (U.S. Dec. 16, 2020) (“*Ramirez*”). In support thereof, the Parties state as follows:

On December 16, 2020, the Supreme Court granted in part the petition for certiorari of Trans Union LLC regarding the issue of “[w]hether either Article III or Rule 23 permits a damages class action where the vast majority of the class suffered no actual injury, let alone an injury anything like what the class representative suffered.”

On January 20, 2021, Defendant filed a Motion to Stay Class Notice and Summary Judgment Deadlines, contending that the decision *Ramirez* could be relevant to the class and Article III issues raised in this case.

Plaintiff does not agree that the Supreme Court’s ruling in *Ramirez* will result in any change in existing FCRA section 1618e(b) or Rule 23 jurisprudence, but does agree that a stay would avoid the prospect of having to send notice to class members twice in the event that the *Ramirez* ruling does result in a relevant change in the law.

Despite that disagreement, the Parties do both agree that judicial efficiency is enhanced by addressing the *Ramirez* decision after it is handed down, rather than expending their resources and judicial resources on a dispute regarding its applicability and possible outcome now, and again regarding its actual outcome later.

The parties agree that any stay is likely to be brief, given the scheduling of oral argument in *Ramirez* for March 31, 2021.

The Parties have conferred and agree that a stay would not prejudice either party provided that all current deadlines are stayed pending the outcome of *Ramirez* and that a 30-day period of merits discovery be permitted upon its resolution and prior to the filing of Defendant's anticipated motion for summary judgment. An additional brief period of discovery would allow the Parties to address any guidance the Supreme Court may provide in its ruling on *Ramirez* regarding the prosecution of class actions through judgment.

NOW THEREFORE, the Parties propose that the Court enter the following Order:

1. Defendant's Motion to Stay this action is DENIED as moot.
2. This action is STAYED.
3. Within thirty (30) days of the Supreme Court's ruling in *Trans Union LLC v. Sergio L. Ramirez*, the parties shall meet and confer and submit proposed amendments to Paragraphs 1-5 of this Court's January 20, 2021 Scheduling Order (ECF 80) for this Court's consideration.

Dated: February 16, 2021

For Plaintiff Patricia McIntyre,

/s/Jordan M. Sartell

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John Soumilas

Lauren KW Brennan

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Respectfully submitted,

For Defendant RealPage, Inc.,

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APPROVED AND SO ORDERED:

Hon. Chad F. Kenney

United States District Judge